

### III. REMARKS

1. Claims 1 and 6 are amended. Claims 11 and 12 are new.

2. Claims 1-5 and 6-10 are patentable under 35 U.S.C. 102(a) over Kobayashi, JP2003-158727. Claim 1 recites that the hinge is further configured to actuate electric switching means connected to the circuitry in the telephone where the actuation of the electric switching means causes an image recording mode of the telephone to be switched from a first image recording mode to at least a second image recording mode. Kobayashi does not disclose or suggest these features.

Kobayashi discloses a video camera (101) and a modem (102) in the form of a memory card, which is inserted into the memory card slot (109) of the video camera (101). The video camera (101) has a liquid crystal display (103) attached to the camera (101) by hinge (108), and a menu switch (111). (Paragraphs [0014]-[0015]). The menu switch (111) allows the switching of the video camera (101) between the video camera (VCR) mode in which the usual photography is performed and the TV telephone mode (Paragraphs [0018], [0024], [0029] and [0050]).

In Kobayashi the menu switch (111) is located on the same side of the video camera (101) as the camera lens (106), while the display (103) and hinge (108) are located on a different side of the camera (101) (Drawings 1(A)-1(B) and 6(A)-6(C)).

This is not the same as what is claimed in Applicant's claim 1. The hinge in Kobayashi does not actuate circuitry. Claim 1 recites that "the hinge is configured to actuate electric switching means" and that "the actuation of the electric switching means causes an image recording mode of the telephone

to be switched from a first image recording mode to at least a second image recording mode". There is simply no disclosure in Kobayashi of the hinge (108) actuating the menu switch (111) so that the video camera (101) switches from the video camera (VCR) mode and the TV telephone mode. Rather, in Kobayashi, a user operates the menu switch (111) to switch between the VCR mode and TV telephone mode (Paragraph [0024]). Thus, claim 1 is not anticipated and is patentable at least for this reason.

Kobayashi discloses that the hinge (108) is equipped with a rolling mechanism that interacts with a switch (213). The switch (213) changes according to the angle of rotation of the LCD panel (103). The switch (213) has a contact (214) for detecting the when the LCD screen (103) is turned to the lens (106) side of the video camera (101) and a contact (215) for detecting the other location (i.e. when the LCD screen is facing away from the lens (106). (Paragraph [0053]). The switch (213) merely serves to change the orientation of the image displayed on the display (103) (i.e. the vertical reversal transform processing and mirror image transform processing of a display image) depending on which direction the LCD screen is facing and nothing more (Paragraph [0053] and [0027]).

Claim 1 recites that "the actuation of the electric switching means causes an image recording mode of the telephone to be switched from a first image recording mode to at least a second image recording mode". In Kobayashi the switch (213) does not change an "image recording mode" of the video camera (101). Rather, in Kobayashi the user operated menu switch (111) is used to change between the VCR mode and TV telephone modes of the video camera (101). Paragraph [0018] in Kobayashi discloses that the VCR mode or the TV telephone mode can be chosen with the menu

switch (111). (See also paragraph [0024] where "a user operates the menu switch (111) and changes to VCR mode" and paragraph [0029] where "the menu switch (111) is operated and changes the video camera (101) to TV telephone mode").

Further evidence in Kobayashi that the switch (111) does not change an "image recording mode" of the video camera (101) can be found in paragraphs [0026] - [0028] when Kobayashi is describing the VCR mode of the video camera (101). Paragraph [0026] discloses a "usual photography condition" VCR mode where the LCD screen (103) is facing the viewfinder 104 (i.e. away from the lens (106)). Paragraph [0027] discloses that while in the VCR mode the LCD screen (103) can be rotated from facing the viewfinder (104), 180 degrees into a "confrontation photography condition" (i.e. where the LCD screen (103) faces the lens (106)). Paragraph [0028] of Kobayashi recites that the confrontation photography condition can be used to allow a person to photograph himself/herself or to keep the interest of a child by showing the child his/her image while being photographed in the VCR mode. Likewise, when Kobayashi discloses the operation of the TV telephone mode of the video camera (101) in paragraphs [0050]-[0055] both the usual photography condition and confrontation photography condition are described. Thus, the rotation of the LCD viewfinder (103) and the rotation of the switch (111) has no effect on the video camera (101) other than changing the orientation of the image on the LCD screen (103).

There is no disclosure in Kobayashi "that the hinge is further configured to actuate electric switching means connected to the circuitry in the telephone ... where the actuation of the electric switching means causes an image recording mode of the telephone to be switched from a first image recording mode to at

least a second image recording mode" as claimed in Applicant's claim 1. Thus, claim 1 is patentable for this additional reason.

Claim 6 is patentable for reasons similar to those described above with respect to claim 1. Claims 2-5 and 7-10 are patentable at least by reason of their respective dependencies.

Further, claim 2 recites that the hinge comprises a washer having at least one cam and that the washer is configured to rotate when the hinge allows movement of the body parts between the first and second position relative to each other and where the at least one cam is configured to actuate the electric switching means. Nowhere is this disclosed in Kobayashi. The Examiner refers to drawing 7 of Kobayashi in support of the rejection. Figure 7 discloses a rotary contact switch having a first contact section (214) which detects the rotation of the display (103) when the display is facing the same direction as the lens (106) and a second contact section (215) which detects the rotation of the screen when the display (103) is facing the opposite direction as the lens (106) (Paragraph [0053] and Drawing 7). Kobayashi does not disclose a washer having a cam or that a cam actuates a switch. The only thing shown by Kobayashi is a hinge connected to a "rotary" switch. Thus, Kobayashi does not disclose a "washer" as claimed by Applicant and claim 2 is not anticipated. This argument applies equally to Applicant's claim 7.

Claim 3 recites that the washer forms an integral part of an axis which provides swivel motion between the first and second body parts of the telephone. The Examiner refers to Drawing 7 and paragraphs [0037] and [0040] of Kobayashi in support of the rejection. Drawing 7 merely discloses a "hinge" and the "rotary" contact switch (213). Paragraph [0037] discloses "a hinge (108)

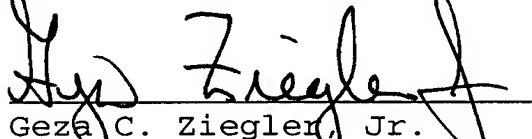
is used as the supporting point" and paragraph [0040] is completely silent as to the hinge (108). There is simply no disclosure in Kobayashi of a washer that "forms an integral part of an axis which provides swivel motion between the first and second body parts of the telephone" as claimed by Applicant. Kobayashi merely discloses a "hinge" and nothing more. Thus, claim 3 is not anticipated. This argument applies equally to Applicant's claim 8.

Claim 4 recites that the washer is a separate part attached to an axis which provides swivel motion between the first and second body parts of the telephone. The Examiner refers to drawings 6-7 and paragraphs [0037] and [0040] in support of the rejection. As described above with respect to claim 3, Kobayashi merely discloses a "hinge" and does not disclose a "washer" as claimed by Applicant. Thus, claim 4 is not anticipated. This argument applies equally to Applicant's claim 9.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for a two-month extension of time and payment any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

  
Geza C. Ziegler, Jr.  
Reg. No. 44,004

11 September 2004  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

#### **CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this correspondence is being transmitted electronically on the date indicated below and addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 11 September 2006

Signature: \_\_\_\_\_

  
Anza Wmetfeld  
Person Making Deposit